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Attorney Docket No.: SONY-28900

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**Edward Eytchison** 

Serial No.: 10/763,869

Filed: January 22, 2004

For:

**METHODS AND APPARATUSES** 

FOR DISCOVERY AND

**NOTIFICATION OF SERVICES** 

Group Art Unit: 2154

Examiner: Turner, Ashley D.

TRANSMITTAL LETTER

162 N. Wolfe Road Sunnyvale, CA 94086

(408) 530-9700

Customer No. 28960

Mail Stop: Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Enclosed please find a Petition to Withdraw Holding Of Abandonment, including Exhibits 1-4 and A-F, for filing in the U.S. Patent and Trademark Office.

The Commissioner is hereby authorized to charge any additional fee or credit overpayment to our Deposit Account No. <u>08-1275</u>.

Respectfully submitted,

HAVERSTOCK & OWENS LLP

Dated: October 3, 2008

By:\_

Jonathan O. Owens

Reg No.: 37,902

CERTIFICATE OF MAILING (37 CFR§ 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient rectuge as first class mail in an envelope addressed to the:

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IAVERSTOĆK & OWENS LLP.

MAYERSTOCK & OWENS LLP.

Attorneys for Applicants



#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Group Art Unit: 2154 Eytchison Examiner: Turner, Ashley D. Serial No.: 10/763,869 PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § Filed: January 22, 2004 1.181(a) For: **METHODS AND APPARATUSES** 162 N. Wolfe Road FOR DISCOVERY AND Sunnyvale, CA 94086 (408) 530-9700 **NOTIFICATION OF SERVICES** 

Customer No.: 28960

Mail Stop Petition
Commissioner for Patents

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The Applicants make this petition under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment in this case. The Notification of Abandonment, mailed April 18, 2008, states that the Applicants failed to respond to a Notice Under 37 C.F.R. 1.251.

As explained in the attached previously filed petition to revive, the Applicants timely filed the Information Disclosure Statement (IDS) and also timely filed a response to the Notice Under 37 C.F.R. 1.251. Furthermore, as shown on the USPTO's public PAIR site, the USPTO is in receipt of the IDS, thus no further action is needed. A printout of the PAIR listing as well as a copy of the IDS with a received stamp by the USPTO is included herewith.

#### **PROMPTNESS**

This petition is being made promptly after the Applicants learned that the USPTO denied the Applicant's petition for revival. 37 C.F.R. § 1.181(f).

#### **SUBMISSION**

### Submitted with this petition are:

- 1. A copy of the originally filed IDS faxed on January 31, 2005 stamped received by the USPTO, downloaded from the USPTO PAIR site, attached as Exhibit 1.
- 2. A printout of the PAIR listing which includes the IDS shown as being entered on January 31, 2005, attached as Exhibit 2.
- 3. A copy of the petition to revive mailed on September 8, 2008, attached as Exhibit 3.
- 4. A declaration of Jonathan O. Owens in support of the Petition to Revive and now the Petition to Withdraw Holding of Abandonment, attached as Exhibit 4.
- 5. A copy of the IDS faxed to Lucy Hatkins of the USPTO on July 14, 2005, attached as Exhibit A.
- 6. A copy of the notice under 37 C.F.R. §1.251, attached as Exhibit B.
- 7. A copy of the response to the notice, mailed on September 14, 2005, attached as Exhibit C.
- 8. A copy of the response to the notice under 37 C.F.R. §1.251, faxed to Examiner Nathan Flynn on January 23, 2007, attached as Exhibit D.
- 9. A copy of the notice of abandonment mailed on April 18, 2008, attached as Exhibit E.
- 10. A copy of the response to the notice under 37 C.F.R. §1.251, faxed on May 6, 2008, attached as Exhibit F.

#### STATEMENT BASED ON PERSONAL KNOWLEDGE THAT THE IDS WAS FILED

Jonathan O. Owens' declaration is based on personal knowledge and is offered as evidence that the USPTO is in receipt of the IDS; and in addition, a response to the notice under 37 C.F.R. §1.251 was also timely sent to the USPTO.

### REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

- Based on this Petition and specifically since the USPTO is in receipt of the IDS which has been entered already, the IDS should be considered timely filed;
- As explained in the Petition to Revive, the application unavoidably went abandoned as the Applicants fulfilled their every duty by responding to every notice in a timely manner; and
- As also explained in the Petition to Revive, but appears to have been overlooked, the
  application unintentionally went abandoned as evidenced by the Applicants repeated
  attempts of submitting the IDS.

Accordingly, the Applicants ask that the active status of this application be acknowledged and that the application be further examined.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: October 3, 2008

By: Jonathan O. Owens
Reg. No. 37,902
Attorneys for Applicant

CERTIFICATE OF MAILING (37 CFR§ 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient rostage as first class mail in an envelope addressed to the:

Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22513-1450

HAVERSTOCK & OWENS LLP.

Date: \_\_\_\_\_By: \_\_\_\_



3 pages

Art Unit:

Examiner:

<u>Patent</u>

2155

RECEIVED CENTRAL FAX CENTER JAN 3.1 2005

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

**Eytchison** 

Serial No.: 10/763,869

Filed: January 22, 2004

For: Discovery and Notification of

Services

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### TRANSMITTAL

Sir/Madam:

Please find enclosed a copy of form1449.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit overpayment to Deposit Account No: 50-1963. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

Richard H. Butler

Registration No. 40,932

Please Send Correspondence to: Valley Oak Law 5655 Silver Creek Valley Road #106 San Jose, CA 95138 (408)223-9763 I hereby certify that this correspondence and correspondence referenced herein is being tecsimile transmitted to the USPTO Fax No. (703) 872-9306 on 1 31 05

Richard H. Butler



3 pages

Art Unit:

Examiner:

Patent

2155

RECEIVED CENTRAL FAX CENTER JAN 3 1 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

**Eytchison** 

Serial No.: 10/763,869

Filed: January 22, 2004

For: Discovery and Notification of

Attomey Docket No.: SONY-05000

Services

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### TRANSMITTAL

Sir/Madam:

Please find enclosed a copy of form1449.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit overpayment to Deposit Account No: 50-1963. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

Richard H. Butler

Registration No. 40,932

Please Send Correspondence to: Valley Oak Law 5655 Silver Creek Valley Road #106 San Jose, CA 95138 (408)223-9763 Richard H. Butler

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PTO/SB/08A (08-03)

Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO

### INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many shoots as necessary)

Complete if Known				
Application Number	10/703,869			
Filing Date	1/22/2004			
First Named Inventor	Eytchison			
Art Unit	2155			
Examiner Name		<u> </u>		
Attorney Docket Number	sony-05000	7		

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\*EXAMINET: Initial if reference considered, whether or not citation is in contaminate with MPCP cost flow line through clision is into the current and not considered, include copy of this form with next communication to applicant. \*Applicant's unique citation designation number (applicant). \*See Kinds Codes of USPTO Patent Documents at ways uspto,gov or MPEP 901.04. \*Enter Office that issued the document, by the two-lotter code (WIPO Standard ST.3). \*For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the social number of the patent document. \*Nind of document by the appropriate symbols as brilliated on the document under WIPO Standard ST.16 if populate. \*Applicant is to place a sheek mark here if English language Translation is attached.

This callection of information is required by 37 CFR 1.87 and 1.88. The information is required to epitain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1,14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Throw will very depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND PEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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- Send general questions about USPTO programs to the USPTO Contact Center (UCC).
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PATENT Attorney Docket No.: SONY-28900

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**Edward Eytchison** 

Serial No.: 10/763,869

Filed: January 22, 2004

For: METHODS AND APPARATUSES

FOR DISCOVERY AND

NOTIFICATION OF SERVICES

Group Art Unit: 2154

Examiner: Turner, Ashley D.

TRANSMITTAL LETTER

162 N. Wolfe Road Sunnyvale, CA 94086

(408) 530-9700

Customer No. 28960

Mail Stop: Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Enclosed please find a Petition to Revive Abandoned Application and Declaration of Jonathan O. Owens, Esq., including Exhibits A-F, for filing in the U.S. Patent and Trademark Office. Also enclosed is a check in the amount of \$510.00 for the Petition fee.

The Commissioner is hereby authorized to charge any additional fee or credit overpayment to our Deposit Account No. <u>08-1275</u>.

Respectfully submitted,

HAVERSTOCK & OWENS LLP

Dated: September 8, 2008

By:

Jonathan O. Owens Reg No.: 37,902

Attorneys for Applicants

CERTIFICATE OF MAILING (37 CFR§ 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Fostal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLI

Date: 0800



PATENT Attorney Docket No.: SONY-28900

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Eytchison

Serial No.: 10/763,869

Filed: January 22, 2004

For:

**METHODS AND APPARATUSES** 

FOR DISCOVERY AND

NOTIFICATION OF SERVICES

Group Art Unit: 2154

Examiner: Turner, Ashley D.

PETITION TO REVIVE ABANDONED APPLICATION

162 North Wolfe Road Sunnyvale, California 94086

(408) 530-9700

Customer No.: 28960

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicants hereby petition under 37 C.F.R. § 1.137(a) to revive the above-captioned Patent Application as being abandoned due to unavoidable delay. In the alternative, the Applicants hereby petition under 37 C.F.R. § 1.137(b) to revive the above-captioned Patent Application as being abandoned due to unintentional delay.

The Application was originally filed on January 22, 2004. On January 31, 2005, an Information Disclosure Statement (IDS) was filed and received at the USPTO on February 7, 2005. On August 25, 2005, a Notice under 37 C.F.R. §1.251 was mailed indicating the filed IDS was not able to be located after a reasonable search. Applicants responded to the Notice several times including the IDS and the reference, in addition to communicating with the USPTO that the application was not to be abandoned. However, in spite of all of the attempts by the Applicants, the IDS was still never received, and the application went abandoned.

### The Application Should Be Revived

The Applicants submit herewith the attached declaration of Jonathan O. Owens in support of a finding that the above-captioned patent application was unavoidably abandoned. Furthermore, Applicants submit a copy of the IDS that was not able to be located by the USPTO.

Jonathan O. Owens is one of the attorneys at Haverstock & Owens LLP for the assignee of the above-captioned U.S. Patent application. (Declaration of Owens, ¶1) In response to a telephone call from the USPTO, a copy of an Information Disclosure Statement (IDS) mailed on January 31, 2005 (dated February 7, 2005) was faxed to Lucy Hatkins of the USPTO on July 14, 2005. (Declaration of Owens, ¶2) A Notice under 37 C.F.R. §1.251 indicating the IDS mailed on January 31, 2005 (dated February 7, 2005) could not be located after a reasonable search was received at Haverstock & Owens LLP with a mail date of August 25, 2005. (Declaration of Owens, ¶3) Upon receiving the Notice, Haverstock & Owens LLP mailed a response to the Notice and included a copy of the IDS with the cited reference, on September 14, 2005. (Declaration of Owens, ¶4) After sending the response with the IDS, I spoke with Examiner Nathan Flynn. (Declaration of Owens, ¶5) Examiner Nathan Flynn informed me that the USPTO still had not received a copy of the IDS with the cited reference. (Declaration of Owens, ¶5) I informed him that the IDS with the reference had been re-sent already on September 14, 2005. (Declaration of Owens, ¶5) I also informed him that the IDS with the reference would be sent yet again to ensure proper prosecution of the application. (Declaration of Owens, ¶5) On January 23, 2007, based on the conversation I had with Examiner Nathan Flynn, I faxed the response to the Notice which again included a copy of the IDS with the cited reference. (Declaration of Owens, ¶6) The response was faxed directly to Examiner Nathan Flynn. (Declaration of Owens, ¶6) Without any further contact from Examiner Nathan Flynn, Haverstock & Owens LLP received a Notice of abandonment for failure to receive the IDS. (Declaration of Owens, ¶7). The Notice of abandonment was mailed on April 18, 2008. (Declaration of Owens, ¶7) Applicants and their attorneys assumed the response which included a copy of the IDS and the cited reference was accepted or at least that Examiner Nathan Flynn would contact us further if the response were not received, since it was clear from the telephone conversation that a response was forthcoming.

After the abandonment of the application had already taken place, Examiner Ashley Turner called to inform me of the abandonment of the application. (Declaration of Owens, ¶8) I informed her that the IDS with the reference had been re-sent on January 23, 2007 and that the abandonment was improper. (Declaration of Owens, ¶8) Examiner Ashley Turner again requested I fax the IDS with the reference. (Declaration of Owens, ¶8) On May 6, 2008, I faxed another response to the Notice including a copy of the previous fax sent on January 23, 2007 which included the IDS with the cited reference. (Declaration of Owens, ¶9) Since sending the fax on May 6, 2008, I have attempted to call Examiner Ashley Turner several times to ascertain the status of the application, but there was no response nor voicemail for her listed telephone

number. (Declaration of Owens, ¶10) Additionally, I have left several voicemails for Examiner Nathan Flynn to obtain the status of the application, but he has not responded. (Declaration of Owens, ¶11) Applicants, and their representatives, have made every attempt to further prosecution of the application, but due to the lack of responsiveness of the Examiners, the application has unavoidably become abandoned.

### The Delay Was Unavoidable

After the IDS for the Patent Application was filed with the USPTO and was subsequently unable to be found by the USPTO, Applicants have attempted to do all that was required to further prosecution. Applicants have submitted a copy of the IDS with the reference at least three separate times after receiving the notice that the USPTO could not find the original. Applicants informed Examiner Ashley Turner and Primary Examiner Nathan Flynn of their desires to continue prosecution and faxed the required paperwork specifically to Examiner Nathan Flynn only to have the application still go abandoned when no action was taken by the USPTO. It was not the Applicants fault that the application went abandoned, and without cooperation by the USPTO, there was nothing Applicants could do to prevent the abandonment of the Application. This Application should never have been abandoned and never would have been abandoned if the USPTO had properly performed its duties in prosecuting the Application.

The Applicants' attorneys believe that they were reasonably relying on the Examiners at the USPTO to cooperate and assist in prosecuting this Application. Unfortunately, in this instance, there were issues with communication between the Applicants' attorneys and the USPTO. As previously stated by the Commissioner,

[t]he word unavoidable is applicable to ordinary human affairs, and requires no more or greater care than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present." In re Katrapat, AG, 6 USPQ2d 1863 (Comm'r Pats. 1988) quoting, Ex parte Pratt, 1187 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887).

Applicants' attorneys did not delay in filing this petition. With this petition, Applicants are also submitting the declaration of Jonathan O. Owens in support of a finding that the above-captioned patent application was unavoidably abandoned and the requisite fees. Furthermore

Applicants submit a copy of the response to the Notice under 37 C.F.R. §1.251, which includes a copy of the IDS and the reference.

Applicants and their attorneys hereby request that the delay is considered unavoidable, that this application is revived and that the response to the Notice under 37. C.F.R. §1.251, including a copy of the IDS and the reference, is accepted.

### The Delay Was at Most Unintentional

Although the Applicants appear to meet the standard for unavoidable delay, it can also be shown that the Applicants meet the standard for unintentional delay. Applicants intended to fully pursue the '869 Patent Application to issuance. (Declaration of Owens, ¶12) Accordingly, the Applicants never intended to abandon the above-captioned patent application. It was only due to communication issues between Applicants' representatives and the USPTO. Therefore, the above-captioned patent application was at most unintentionally abandoned, if not also unavoidably abandoned. Accordingly, Applicants and their attorneys hereby request that this application is revived and that the application proceed on the merits.

Enclosed is the petition fee, a Declaration of Jonathan O. Owens in Support of Petition, a copy of the Notice of Abandonment, a copy of the Notice under 37. C.F.R. §1.251 and a copy of the response to the Notice under 37. C.F.R. §1.251 including the IDS and the reference.

-4-

The Applicants hereby petition for the revival of the patent application and for the application to proceed on the merits.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: September 8,2008

Jonathan O. Owens Reg. No. 37,902

Attorneys for Applicant

CERTIFICATE OF MAILING (37 CFR§ 1.8(a))
I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Fostal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the:

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HAVERSTOCK & OWENS LLP.

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In ra Application of

Attorney Docket No.: SONY-28900

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in te Application of.	) Group Art Unit: 2154
Eytchison	) Examiner: Turner, Ashley D.
Serial No.: 10/763,869	) DECLARATION OF JONATHAN O.
Filed: January 22, 2004	)
For: METHODS AND APPARATUSES FOR DISCOVERY AND NOTIFICATION OF SERVICES	) 162 N. Wolfe Road ) Sunnyvale, California 94086 ) (408) 530-9700 )
	_) Customer No. 28960
Mail Stop Petition	
P.O. Box 1450	
Alexandria, VA 22313-1450	
METHODS AND APPARATUSES FOR DISCOVERY AND NOTIFICATION OF SERVICES  Stop Petition missioner for Patents Box 1450	<ul> <li>OWENS, ESQ.</li> <li>162 N. Wolfe Road</li> <li>Sunnyvale, California 94086</li> <li>(408) 530-9700</li> </ul>

#### Sir or Madam:

- 1. My name is Jonathan O. Owens, Esq. I am one of the attorneys at Haverstock & Owens LLP for the assignee of the above-captioned U.S. Patent application.
- 2. In response to a telephone call from the USPTO, a copy of an Information Disclosure Statement (IDS), initially mailed on January 31, 2005 (dated February 7, 2005), was faxed to Lucy Hatkins of the USPTO on July 14, 2005. A copy of this fax and the confirmation are attached as Exhibit A.
- 3. A notice under 37 C.F.R. §1.251 indicating the IDS mailed on January 31, 2005 (dated February 7, 2005) could not be located after a reasonable search was then received at Haverstock & Owens LLP with a mail date of August 25, 2005. A copy of the notice under 37 C.F.R. §1.251 is attached as Exhibit B.

- 4. Upon receiving the notice, Haverstock & Owens LLP mailed a response to the notice and included a copy of the IDS with the cited reference, on September 14, 2005. A copy of this response is attached as Exhibit C.
- 5. Via telephone, I spoke with Examiner Nathan Flynn when he informed me that the USPTO still had not received a copy of the IDS with the cited reference, and I informed him that the IDS with the reference had been re-sent already on September 14, 2005, but would be sent again.
- 6. On January 23, 2007, based on the conversation I had with Examiner Nathan Flynn, I faxed, directly to him, the response to the notice which again included a copy of the IDS with the cited reference. A copy of this fax and the confirmation are attached as Exhibit D.
- 7. Haverstock & Owens LLP received a notice of abandonment for failure to receive the IDS; the notice of abandonment was mailed on April 18, 2008. A copy of the notice of abandonment is attached as Exhibit E.
- 8. Examiner Ashley Turner called to inform me of the abandonment of the application, and I informed her that the IDS with the reference had been re-sent on January 23, 2007 and that the abandonment was improper. The Examiner again requested I fax the IDS with the reference.
- 9. On May 6, 2008, I faxed another response to the notice including a copy of the previous fax sent on January 23, 2007 which included the IDS with the cited reference. A copy of this fax and the confirmation are attached as Exhibit F.

- 10. Since sending the fax on May 6, 2008, I have attempted to call Examiner Ashley Turner several times to ascertain the status of the application, but there was no response nor voicemail for the listed telephone number.
- 11. Additionally, I have left several voicemails for Examiner Nathan Flynn to obtain the status of the application, but he has not responded.
- 12. The assignees, Sony Corporation and Sony Electronics, Inc., and their representatives, never intended to abandon this application.
- 13. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Respectfully submitted,

Date: September 8, 2008

Jonathan O. Owens

CERTIFICATE OF MAILING (37 CFR§ 1.8(a))
I hereby certify that this paper (along with any referred to as being attached or eralosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSFOCK & OWENS LLP

Data

## HAVERSTOCK & OWENS LLP

PATENT, TRADEMARK & COPYRIGHT ATTORNEYS

162 North Wolfe Road Sunnyvale, California 94086 Telephone (408) 530-9700 Facsimile (408) 530-9797

TO:	Lacy Hatkins
	USPTO
	Facsimile: 703746.4658
FROM:	HAVERSTOCK & OWENS LLP
	162 North Wolfe Road Sunnyvale, California 94086 Telephone:(408) 530-9700 Facsimile:(408) 530-9797
Date: 114	Time: 9'Wa.m./p.m.
Pages (includi	ng cover): (Client Code: SWI 38900)
or entity named on distribution or use	companying this facsimile transmission contains information from the law firm of HAVERSTOCH which are confidential or privileged. The information is intended to be for the use of the individual this cover sheet. If you are not the intended recipient, be aware that any disclosure, copying, of the contents of this faxed information is prohibited. If you have received this facsimile in error telephone immediately so that we can arrange for the return of the original documents. Thank
MESSAGE:	
Per you	er roques).
	Serial 100.10/7/13,869

# **Auto-Reply Facsimile Transmission**



TO:

Fax Sender at 4082239765

Fax Information

Date Received: Total Pages:

1/31/2005 2:52:27 AM [Eastern Standard Time]

3 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received 01/31/2005 80:13 4082239765 VALLEY DAK LAW Cover Page Attorney Docket No.: SONY-05000 =====> IN THE UNITED STATES PATENT AND TRADEMARK OFFICE In Re Application of: Art Unit: Eytchison Serial No.: 10/763,869 Examiner: Filed: January 22, 2004 For: Discovery and Notification of Services Commissioner for Patents Alexandria, VA 22313-1450 **IBANSMITTAL** Please find enclosed a copy of form1449.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit overpayment to Deposit Account No: 50-1963. A duplicate copy of this authorization is enclosed. Respectfully submitted, Richard H. Butler Registration No. 40,932 I hereby certify first this o 5655 Silver Creek Valley Road No. [703] 872-9305 on\_ PAGE 113' ROYD AT 1017865 2-52:77 AM [Eastern Standard Time] "Syr-USPTO-EFXRF-118" ONTS :172308 "CSID:1017239715" DURATION [Jum-ss]:01-16

3 pages

Art Unit:

Examiner:

Patent

2155

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

**Eytchison** 

OCT 0 7 2008

Serial No.: 10/763,869

Filed: January 22, 2004

For: Discovery and Notification of

Services

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

TRANSMITTAL

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The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit overpayment to Deposit Account No: <u>50-1963</u>. A duplicate copy of this authorization is enclosed.

Dated: 1/31/05

Respectfully submitted,

Richard H. Butler

Registration No. 40,932

Please Send Correspondence to: Valley Oak Law 5655 Silver Creek Valley Road #106 San Jose, CA 95138 (408)223-9763

I hereby certify that this correspondence and correspondence referenced herein is being facsimile transmitted to the USPTO Fax No. (703) 872-9306 on 13105

Richard H. Butler





## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	)	
Eytchison	) Art Unit: 215	5
Serial No.: 10/763,869	) Examiner:	
Filed: January 22, 2004	)	
For: Discovery and Notification of Services	) ) )	

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### **TRANSMITTAL**

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Dated: 1/31/05

Respectfully submitted,

Richard H. Butler

Registration No. 40,932

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I hereby certify that this correspondence and correspondence referenced herein is being facsimile transmitted to the USPTO Fax No. (703) 872-9306 on 151 DS

Richard H. Butler

PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Paperwork Reduction Act of 1995, no persons are required to re-

### INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Substitute for form 1449/PTO

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	mplete if Known
Application Number	10/763,869
Filing Date	1/22/2004
First Named Inventor	Eytchison
Art Unit	2155
Examiner Name	
Attorney Docket Number	conv. 05000

	T 01:		U. S. PATEN	DOCUMENTS	
Examiner Initials*	Cite No.1	Document Number  Number-Kind Code <sup>2 (# known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevan Figures Appear
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Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	Т
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Examiner		1.5	
	•	Date	
Signature		Considered	1

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

### TRANSMISSION VERIFICATION REPORT

TIME : 01/31/2005 00:14 NAME : VALLEY OAK LAW FAX : 4082239765 TEL : 4082239765 SER.# : BROA3J942815

DATE, TIME FAX NO./NAME DURATION PAGE(S) RESULT MODE

01/31 00:13 17038729306 00:00:50 03 OK STANDARD ECM

Transaction Report Send Transaction(s) completed			
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## HAVERSTOCK & OWENS LLP

PATENT, TRADEMARK & COPYRIGHT ATTORNEYS

162 NORTH WOLFE ROAD SUNNÝVALE, CALIFORNIA 94086 TELEPHONE (408) 530-9790 FACSIMILE (408) 530-9797

TO:	Lacy Hatkins		
	USPTO		
	Facsimile: 103740	.4658	
FROM:	JOOCH OWENS LLP		
	162 North Wolfe Road Sunnyvale, California 94086		
	Telephone: (408) 530-9700 Facsimile: (408) 530-9797		
Date: 711	14105 Time: 9'0 a.m./p.m.		
		Code: <u>Saly</u> 28900	
The documents	ts accompanying this faccinile transmission		

The documents accompanying this facsimile transmission contains information from the law firm of HAVERSTOCK & OWENS LLP which are confidential or privileged. The information is intended to be for the use of the individual or entity named on this cover sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original documents. Thank

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## United States Patent and Trademark Office

Sony. 28900

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,869	01/22/2004	Edward Eyichison	Sony-05000	8513
75 JONATHAN (	90 08/25/2005 COMENS		EXAMI	NER
HAVERSTOCK 162 NORTH W SUNNYVALE,	C & OWENS OLFE ROAD	· 大花()	ART UNIT	PAPER NUMBER
,	3.000	AUG 2 > 2005	DATE MAILED: 08/25/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.





### UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## NOTICE UNDER 37 CFR 1.251 - Pending Application

The file on the cover sheet cannot be located after a reasonable search. Therefore, the Office is initiating to	the reconstruction of the
file of the above-identified application pursuant to the provisions of 37 CFR 1.251.	me recent dead of the

Applicant is given a period of THREE (3) MONTHS from the mailing date of this notice within which to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the identified application that is not among applicant's records.

The following paper(s) pertaining to the above-identified application cannot be located after a reasonable search:

#### IDS and all associated references dated 02/07/05

Therefore, the Office is initiating the reconstruction of such paper(s) pursuant to the provisions of 3 7 CFR 1.251.

Applicant is given a period of THREE (3) MONTHS from the mailing date of this notice within which to provide a copy of the paper(s) listed above and a statement that the copy of such paper(s) is a complete and accurate copy of applicant's record of such paper(s).

If applicant does not possess any record of the correspondence between the Office and the applicant for the application (or any copy of the paper(s) listed above), applicant must reply to this notice by providing a statement that applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

Failure to reply to this notice in a timely manner will result in abandonment of the above-identified application. The three-month period for reply to this notice may be extended (up to a maximum of six months) under the provisions of 37 CFR 1.136(a). However, failure to reply within this three-month period will result in a reduction of any patent term adjustment. See 37 CFR 1.704(b).

☐ A printout from PALM of the contents of the file of	of the above-identified application is included with this notice.
Direct the reply to this notice to:	U.S. Patent and Trademark Office Mail Stop: Duplicates
	Commissioner for Patents
	P.O. Box 1450
	Alexandria, Virginia 22313-1450
Direct questions concerning this notice to:	Image Assistance Center/ Customer Service
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PTO Day Code: R25LNTC (Rev. 03/05)	

#### COMMISSIONER FOR PATENTS

OCT 07 2008 W

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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

In re Application of:	EYTCHISON, E	DWARD
Application No.:	10/763869	
Filing Date:	01/22/04	
Title:	METHODS ANI	APPARATUSES FOR DISCOVERY AND
	NOTIFICATION	
Direct to:	U.S. Patent and Trademark O Mail Stop: Duplicates Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1	
NO	OTICE UNDER 37 CFR 1.2	51 – Pending Application
Statement (check the appropr	riate box):	
between the Office and the app	licant for the above-identified anni	te copy of applicant's record of all of the correspondence ication (except for U.S. patent documents), and applicant is ant for the above-identified application that is not among
☐The copy of the paper(s) list of such paper(s).	ed in the notice under 37 CFR 1.25	51 is/are a complete and accurate copy of applicant's record
applicant for the above-identi	iled application (except for U.S.	ord of all of the correspondence between the Office and the patent documents), and applicant is not aware of any bove-identified application that is not among applicant's
☐Applicant does not possess a application.	ny record of the correspondence be	tween the Office and the applicant for the above-identified
Date	Sign	ature
	. <i>Тур</i> .	ed or printed name

### A Copy of this notice should be returned with the reply.

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

PTO Doc Code: R251.RES (Rev. 03/05)

Date Mailed: SEFTEMBER The following has been received in the	of: EDWARD EYTCHISON 19. 9005 Due Date U.S. Patent and Trademark Office on the	e: NOV 25, 2005
Design Patent Application Pages Utility Patent Application Pages Prov. Patent Application Pages Declaration/Oath Power of Altorney Assignment	☐ Form PTOL-85B (Issue Fee Trans.) 8 dup. ☐ Competition ☐	Transmittal Letter Deplicate Certificate of Mailing Certicate of Express Mailing Label No Check(s) \$ Deposit Account Authorization Form
Form PTO-1594/1595 Small Entity Statement	Affidavi/Declaration	
Drawings: Sheets(s)  Formal Informal Information Disclosure Statement Form PTO-1449 and Copies of References Contained Thereon Information Disclosure Certification Amendment/Response Extension of Time Request: Months(s) Petition	Copy of Filing Receipt Req. for Corr of: Request for Non-Publication Rescission of Request for Non-Publication CCPY OF 2 TRANSAITTA COPY OF REFERENCE	FOR PTO USE

PATENT

Attorney Docket No.: SONY-28900

IN	THE UNITED	STATES F	PATENT	AND	TR	ADE	MARK	OFFICE
				_		~		

In re Application of:

Group Art Unit:

**Edward Eytchison** 

Examiner:

Serial No.: 10/763,689

TRANSMITTAL LETTER

Filed: January 22, 2004

162 North Wolfe Road

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Sunnyvale, California 94086

METHODS AND APPARATUSES

(408) 530-9700

FOR DISCOVERY AND

Customer Number 28960

NOTIFICATION OF SERVICES

Mail Stop: Duplicates Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

For:

In response to the Notice mailed August 25, 2005 enclosed are the copies of the two transmittals, a copy of Form PTO-1449, and a copy of the reference filed January 31, 2005 for filing with the U.S. Patent and Trademark Office.

The Commissioner is authorized to charge any additional fee or credit any overpayment to our Deposit Account No. <u>08-1275</u>. An originally executed duplicate of this transmittal is enclosed for this purpose.

Respectfully submitted,

HAVERSTOCK & OWENS LLP

Dated: September 14, 2005

Jonathan O. Owens Reg. No.: 37,902

Attorneys for Applicant

CERTIFICATE OF MAILING (37 CFR§ 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA

22313-1450

HAVERSTOCK & OWEN

- 1 -

PATENT

Attorney Docket No.: SONY-2890

IN THE UNITED STATES PATE In re Application of:	NT AND TRADEMARK OFFICE Group Art Unit:
Edward Eytchison	Examiner:
Serial No.: 10/763,689	TRANSMITTAL LETTER
Filed: January 22, 2004	162 North Wolfe Road
For: METHODS AND APPARATUSES	Sunnyvale, California 94086 (408) 530-9700

FOR DISCOVERY AND

NOTIFICATION OF SERVICES

Customer Number 28960

Mail Stop: Duplicates Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

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The Commissioner is authorized to charge any additional fee or credit any overpayment to our Deposit Account No. <u>08-1275</u>. An originally executed duplicate of this transmittal is enclosed for this purpose.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: September 14,2005

Jonathan O. Owens Reg. No.: 37,902

Attorneys for Applicant

CERTIFICATE OF MAILING (37 CFR§ 1.8(a))

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HAYERSTOCK & OWENS L

-1-

3 pages

Attorney Docket No.: SONY-05000

**Patent** 

2155

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

**Eytchison** 

Serial No.: 10/763,869

Filed: January 22, 2004

For: Discovery and Notification of

Services

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Examiner:

Art Unit:

COPY

TRANSMITTAL

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Dated: 1/31/05

Respectfully submitted,

Richard H. Butler

Registration No. 40,932

Please Send Correspondence to: Valley Oak Law 5655 Silver Creek Valley Road #106 San Jose, CA 95138 (408)223-9763

I hereby certify that this correspondence and correspondence referenced herein is being facsimile transmitted to the USPTO Fax No. (703) 872-9306 on 13105

Richard H. Butler

OCT 0 7 2008 W Attorney Docket No.: SONY-05000



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Eytchison

Serial No.: 10/763,869

Filed: January 22, 2004

For: Discovery and Notification of

Services

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

2155

Art Unit:

Examiner:

COPY

### TRANSMITTAL

Sir/Madam:

Please find enclosed a copy of form1449.

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Dated: 1/31/05

Respectfully submitted,

Richard H. Butler

Registration No. 40,932

Please Send Correspondence to: Valley Oak Law 5655 Silver Creek Valley Road #106 San Jose, CA 95138 (408)223-9763

I hereby certify that this correspondence and correspondence referenced herein is being facsimile transmitted to the USPTO Fax No. (703) 872-9306 on 13105

Richard H. Butler

Substitute for form 1449/PTO

SAT & TRADE

Sheet

PTO/SB/08A (08-03)

Approved for use through 07/31/2006, OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

the Paperwork Reduction Act of 1995, no persons are required to respond

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known		
Application Number	10/763,869	
Filing Date	1/22/2004	
First Named Inventor	Eytchison	······································
Art Unit	2155	
Examiner Name		
Attorney Docket Number	sony-05000	

			U. S. PATEN	I DOCUMENTS	
Examiner Initials*	Cite No. <sup>1</sup>	Document Number  Number-Kind Code <sup>2 (F known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	Γ
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY	r pproduction of one a bocoment	Or Relevant Figures Appear	76
L					1	

Examiner Signature	Date Considered	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

## HAVERSTOCK & OWENS LLP

PATENT, TRADEMARK & COPYRIGHT ATTORNEYS

162 North Wolfe Road Sunnyvale, California 94086 Telephone (408) 530-9700 Facsimile (408) 530-9797

TO:	Examiner nathan Flynn
	Facsimile: 541.273.1915
FROM:	HAVERSTOCK & OWENS LLP 162 North Wolfe Road
·	Sunnyvale, California 94086 Telephone:(408) 530-9700 Facsimile:(408) 530-9797
Date: 1	3) Time: 9. S.m.p.m.
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	Segial No.: 101 103,000	480 File No.: SONY - 289	By: J00 1
	If the Matter of The Application	of: EDWARD EXTCHISON Due Date: N	•
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In the Matter of The Application  Date Mailed: SEPTEMBER	H&O File No.: SONY - 28900 By: JU/JP  10 of: EDWARD EYTCHISON  14. 2005 Due Date: NOV. 25. 2005  U.S. Patent and Trademark Office on the date stamped hereon:    Form PTO-1533 (Not. of Missing Parts)
Drawings: Sheets(s)    Formal   Informal     Information Disclosure Statement     Form PTO-1449 and Copies of References Contained Thereon     Information Disclosure Centification     Amendment/Response     Extension of Time Request: Months(s)     Petition	Request for Non-Publication Rescission of Request for Non-Publication  CORY OF 2 TRANSMITTAL  CORY OF FORM PTC-1449  FOR PTO USE

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Attorney Docket No.: <u>SONY-28900</u>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Group Art Unit:

Edward Eytchison

Examiner:

Serial No.: 10/763,689

TRANSMITTAL LETTER

Filed: January 22, 2004

162 North Wolfe Road

Sunnyvale, California 94086

METHODS AND APPARATUSES FOR DISCOVERY AND

(408) 530-9700

NOTIFICATION OF SERVICES

Customer Number 28960

Mail Stop: Duplicates Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

For:

In response to the Notice mailed August 25, 2005 enclosed are the copies of the two transmittals, a copy of Form PTO-1449, and a copy of the reference filed January 31, 2005 for filing with the U.S. Patent and Trademark Office.

The Commissioner is authorized to charge any additional fee or credit any overpayment to our Deposit Account No. <u>08-1275</u>. An originally executed duplicate of this transmittal is enclosed for this purpose.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: September 14, 2005

Jonathan O. Owens Reg. No.: 37,902

106.110.. 57,502

Attorneys for Applicant

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS'L

- 1 -



PATENT Attorney Docket No.: SONY-28900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Group Art Unit:

Edward Eytchison

Examiner:

Serial No.: 10/763,689

TRANSMITTAL LETTER

Filed: January 22, 2004

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For: METHODS AND APPARATUSES

Sunnyvale, California 94086

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Jonathan O. Owens

Reg. No.: 37,902

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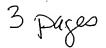
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ttomey Docket No.: SONY-05000



Patent

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Eytchison

Serial No.: 10/763,869

Filed: January 22, 2004

For: Discovery and Notification of

Services

Art Unit:

2155

COPY

Examiner:

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

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Dated: 1/31/05

Respectfully submitted,

Richard H. Butler

Registration No. 40,932

Please Send Correspondence to: Valley Oak Law 5655 Silver Creek Valley Road #106 San Jose, CA 95138 (408)223-9763

I hereby certify that this correspondence and correspondence referenced herein is being facsimile transmitted to the USPTO Fax No. (703) 872-9306 on 13105

Richard H. Butler



ttorney Docket No.: SONY-05000



Patent

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In Re Application of:

Eytchison

Serial No.: 10/763,869

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Richard H. Butler

PTO/SB/08A (08-03)

Approved for use through 07/31/2006, OMB 0551-0031

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the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number. Complete if Known Substitute for form 1449/PTO Application Number 10/763,869 Filing Date 1/22/2004 INFORMATION DISCLOSURE First Named Inventor Eytchison STATEMENT BY APPLICANT Art Unit · 2155 (Use as many sheets as necessary) Examiner Name Attorney Docket Number | sony-05000 Sheet of

			U.S. PATEN	TOCUMENTS	
Examiner Initials*	Cite No.1	Document Number  Number-Kind Code <sup>2 (7 known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application from to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Transaction Report Transaction(s) completed No. TX Date/Time Destination Duration P.# Result Mode 749 JAN-23 10:46 15712731915 0'01'53" 008 0 K N ECM

PATENT, TRADEMARK & COPYRIGHT ATTORNEYS

162 NORTH WOLFE ROAD SUNNYVALE, CALIFORNIA 94086

	Телерноме (408) 530-9700 Facsimile (408) 530-9797
TO:	Examiner Mathren Flynn
٠,	Facsimile: 541.273.1915
FROM:	HAVERSTOCK & OWENE LINE
	162 North Wolfe Road Sunnyvale, California 94086 Telephone: (408) 530-9700 Facsimile: (408) 530-9797
Date: 1	Time: Q'S V.m.p.m.
	ing cover): 8 Client Code: SMU-28900
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#### Notice of Abandonment

Application No.	Applicant(s)	
10/763,869	EYTCHIŞON, EDWAR	D
Examiner	Art Unit	
ASHLEY D. TURNER	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--This application is abandoned in view of: 1. Applicant's failure to timely file a proper reply to the Office letter mailed on 25 November 2005. (a) A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_ (b) A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114). (c) A reply was received on \_ \_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the nonfinal rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below). (d) No reply has been received. 2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85). (a) The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85). (b) The submitted fee of \$\_\_\_\_ is insufficient. A balance of \$\_\_\_\_ is due. The issue fee required by 37 CFR 1.18 is \$\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_. (c) The issue fee and publication fee, if applicable, has not been received. 3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37). (a) Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply. (b) No corrected drawings have been received. 4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants. 5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application. 6. The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims. 7. The reason(s) below: Called Attorney left a message for the status of case which has been abandon. /Nathan J. Flynn/ Ashley D Turner Supervisory Patent Examiner, Art Unit 2154 Examiner Art Unit: 2154

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

UNIT P F	40g	T AND TRADEMARK OFFICE		RTMENT OF COMMERCE Trademark Office FOR PATENTS
APPLICATION NO.	ADCANA FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,869	01/22/2001 AP	R 2.1 2008 Ward Eytchison	Sony-05000	8513
JONATHAN O	7590 04/18/200 . OWENS	8	EXAM	INER
HAVERSTOCE	< & OWENS		TURNER,	ASHLEY D
162 NORTH W SUNNYVALE,		•	ART UNIT	PAPER NUMBER
			2154	
			MAIL DATE	DELIVERY MODE
			04/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## HAVERSTOCK & OWENS LLP

PATENT, TRADEMARK & COPYRIGHT ATTORNEYS 162 NORTH WOLFE ROAD SUNNYVALE, CALIFORNIA 94086

TELEPHONE (408) 530-9700 FACSIMILE (408) 530-9797

TO:	Examiner Nathan Flynn	
	Examiner Nathan Flynn USPTO	
	Facsimile: 571 223 1915	
FROM:	To Ha Da	
richi.	HAVERSTOCK & OWENS LLP	
	162 North Wolfe Road Suppyvale, California 94086	
	Telephone: (408) 530-9700 Facsimile: (408) 530-9797	
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Date: <u>5-6</u>	7-08 Time: 8:30 a.m./p.m.	
	og cover): 10 Client Code: 50NY-28900	
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	Serial Number 10/763,869	

## HAVERSTOCK & OWENS LLP

PATENT, TRADEMARK & COPYRIGHT ATTORNEYS

162 North Wolfe Road Sunnyvale, California 94086 Telephone (408) 530-9700 Facsimile (408) 530-9797

TO:	Examiner Mathren Flynn
FROM:	Facsimile: 541.273.1915
FROM:	HAVERSTOCK & OWENS LLP  162 North Wolfe Road Sunnyvale, California 94086 Telephone: (408) 530-9700
Date:	Facsimile: (408) 530-9797  Time: 1.m.p.m.
·	ding cover): Client Code: SMU. 28900
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E. P. J. Complete Land South Community of the Community o	In the Matter of The Application Date Mailed: SETEMBER The following has been received in the Design Patent Application Pages Utility Patent Application Pages Prov. Patent Application Pages Dectaration/Oath Power of Altorney Assignment Form PTO-1594/1595 Small Entity Statement Dravings: Sheets(s) Format Informat Information Disclosure Statement Form PTO-1449 and Copies of References Contained Thereon Information Disclosure Certification Amendment/Response	☐ Form PTOL-858 (Issue Fee Trans.) & dup. ☐ Cer ☐ Form PTO-1050 (Cerl. of Correction) ☐ Cerl ☐ Maintenance Fee Transmittal Form	NOV. 25, 2005 ale stamped hereon:  nsmittal verter  Douplicate nicate of Excress Mailing abel No  OO  Authorization Form  OO  OO  OO  OO  OO  OO  OO  OO  OO
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Serial No.: 10/763.689	H&O File No.: SCNY -	29900 DAG
In the Matter of The Application	on of the Man - Tall (	28900 By: JM/TP
Date Mailed: SEPTEMBER	"IN EDWARD FAIGHT	ON
The following has been received in the	on of: EDWARD EYTCHIS 14, 2005 Due D e U.S. Palent and Trademark Office on	ate: NOV. 25, 2005
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Attorney Docket No.: <u>SONY-28900</u>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Edward Eytchison

Serial No.: 10/763,689

Filed: January 22, 2004

For:

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FOR DISCOVERY AND

NOTIFICATION OF SERVICES

Examiner:

Group Art Unit:

TRANSMITTAL LETTER

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Sunnyvale, California 94086

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Respectfully submitted,

HAVERSTOCK & OWENS LLP

Dated: September 14, 2005

By: Jonathan O. Owens Reg. No.: 37,902

Attorneys for Applicant

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-1-



Attorney Docket No.: SONY-28900

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ttomey Docket No.: SONY-05000



<u>Patent</u>

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	) .		
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Serial No.: 10/763,869	) Examiner:		
Filed: January 22, 2004	) )		
For: Discovery and Notification of Services	) ) )		
Commissioner for Patents	•		

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

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Dated: 1/31/05

Respectfully submitted,

Richard H. Butler

Registration No. 40,932

Please Send Correspondence to: Valley Oak Law 5655 Silver Creek Valley Road #106 San Jose, CA 95138 (408)223-9763

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Richard H. Buller

OCT 07 ZUUD DE

ttorney Docket No.: SONY-05000



Patent

2155

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Richard H. Butler

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Complete if Known		
Application Number	10/763,869	
Filing Date	1/22/2004	
First Named Inventor	Eytchison	
Art Unit ·	2155	
Examiner Name		
Attorney Docket Number	sony-05000	

Examiner	Cto	Dearwood North	U. S. FATEN	DOCUMENTS	
hitials*	Cite No.1	Document Number  Number-Kind Code <sup>2 () known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant
		Normber-Nind Code			Figures Appear
		<sup>US-</sup> 5,999,940	12-7-1999	Ranger	
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		FORE	IGN PATENT DOCU	MENTS	<del></del>	
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